AMENDMENTS TO THE DRAWINGS

Please replace figure 4 with the attached replacement sheet.

Attachment: Replacement Sheet (1/1)

REMARKS

Claims 1-11 are all the claims pending in the application. New claim 12 is hereby added by this Amendment. Claims 4 and 8 are withdrawn from consideration based on the Response to the Election of Species Requirement issued March 7, 2007, and claim 5 has been withdrawn based by the Examiner as indicated in the Office Action of March 7, 2007.

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statements filed April 20, 2004, October 11, 2006 and January 22, 2007. Applicant also thanks the Examiner for acknowledging the claim for foreign priority.

Drawing Objections

The Examiner objected to the drawings for including reference signs not mentioned in the description.

Applicant requests that the Examiner withdrawn this objection in view of the replacement drawing submitted with this Amendment.

Specification Objections

The Examiner objected to the specification due to various informalities. Applicant submits that the present amendments to the specification submitted herewith obviate these rejections.

Claim Rejections - 35 U.S.C. § 102(b)

The Examiner rejected claim 1 under § 102(b) as being anticipated by Uehara et al. (US 5,537,378). Applicant traverses this rejection for the reasons set forth below.

Applicant submits that Uehara fails to disclose, at least, "wherein the mechanical auto lock/unlock mechanism is disposed at a position where the mechanical auto lock/unlock mechanism is operated with a pressure applied by the carrier moving from the normal operational area to the evacuation position," as recited in claim 1.

In particular, the Examiner concedes that Uehara fails to teach this feature, stating:

> Uehara et al. (US 5,537,378), however, does not explicitly state that "the lever is operated with a pressure applied by the carrier moving from the normal operational area to the evacuation position."

(*Office Action*, p. 6).

Furthermore, Uehara explicitly discloses that it is the left elevator plate 7L moving in the X1 direction whose operating pin 47 contacts the cam portion 420 of the dust preventative cover door controlling member 350 to rotate the door counterclockwise. (col. 10, lines 50-55). As this movement (of the left elevator plate 7L) is in the horizontal direction as compared with the vertical movement of the carrier 3, the movement of the carrier 3 disclosed in Uehara cannot possibly operate the controlling member 350, because this member requires a horizontal movement.

Assuming, *arguendo*, that the Examiner would suggest applying Kawakami et al. (US 5,243,478) to compensate for this deficiency similar to the rejection of claim 2, Applicant respectfully submits that the Examiner has failed to establish *prima facie* obviousness because if combined as suggested by the Examiner, Uehara would be rendered unsatisfactory for its intended use. Thus, the requisite expectation of success is lacking.

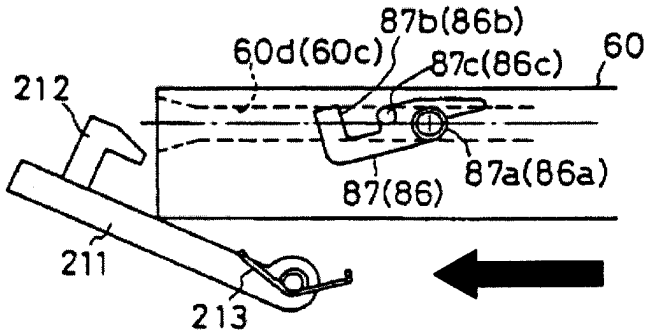
As a reason for combining Uehara with Kawakami, the Examiner contends:

> It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have had the lever of Uehara et al. (US 5,537,378) be operated with a pressure applied by the carrier moving from the normal operational area to the evacuation position as taught by Kawakami et al (US 5,243,478).
>
> One of ordinary skill in the art would have been motivated to have had the lever of Uehara (US 5,537,378) be operated with a pressure applied by the carrier moving from the normal operational area to the evacuation position as taught by Kawakami (US 5,243,478) since such enables the door to be directly unlocked by the carrier only when the carrier is in the evacuation position.

(*Office Action*, p. 6).

The Examiner is improperly attempting to expand the disclosure of Kawakami to support this suggested combination. However, in contrast to the Examiner's interpretation, Applicant submits that Kawakami merely disclosing of operating a lever by applying pressure by a carrier which moves in a horizontal direction through a door opening. (*See* FIG. 38A, reproduced below).

As shown in this figure, the tray frame 60 moves to the left engaging the door lock lever 87 as it approaches the tray door 211. This horizontal movement and extension of the tray frame 60 is required because cassettes 200 are inserted into the top of the tray frame 60 for loading and unloading. (*See* FIG. 36, reproduced



F I G. 38B

below). Consequently, because the tray frame 60 must extend though the door opening, a **horizontal movement** is required. However, the apparatus disclosed in Uehara operates in a different manner than the device of Kawakami. In particular, the device of Kawakami loads only a single cassette. In contrast, the data processing device of Uehara provides for the storing of multiple disks in stocker 5. In order to perform this function, Uehara requires that the carrier 3 move up and down in a **vertical direction** (Y2-Y1) so that each different compartment 50a-50d may be accessed. (*See* FIG. 2, reproduce below). Furthermore, Uehara's carrier 3 is fitted with feeding rollers 215 which enable the insertion and ejection of disks through the door 217 opening. (col. 4, lines 27-30). Thus, there is no motivation to modify the horizontal movement of Uehara, which itself is required in order to store multiple disks. Notably, the disks are inserted into the carrier 3 by side loading, not top loading as in Kawakami. Accordingly, the movements of the carriers in Uehara and Kawakami are different because they operate in a different way and perform different functions.

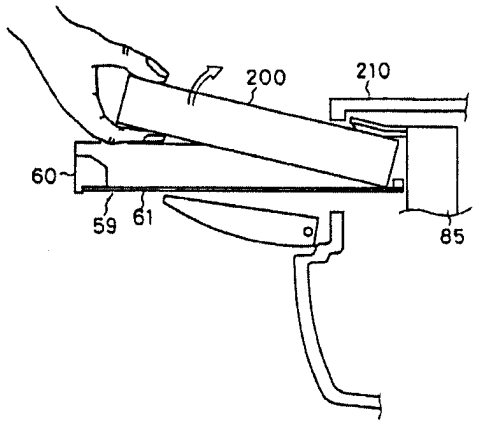
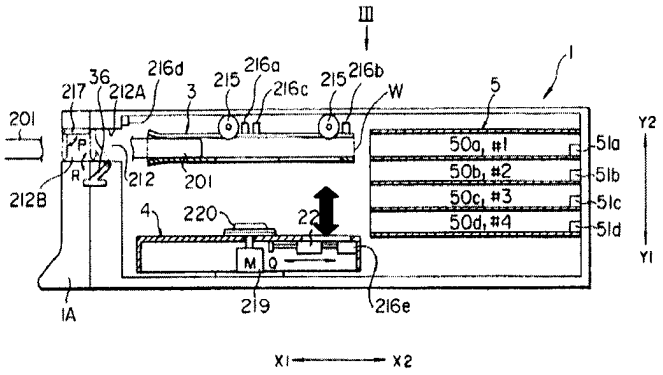


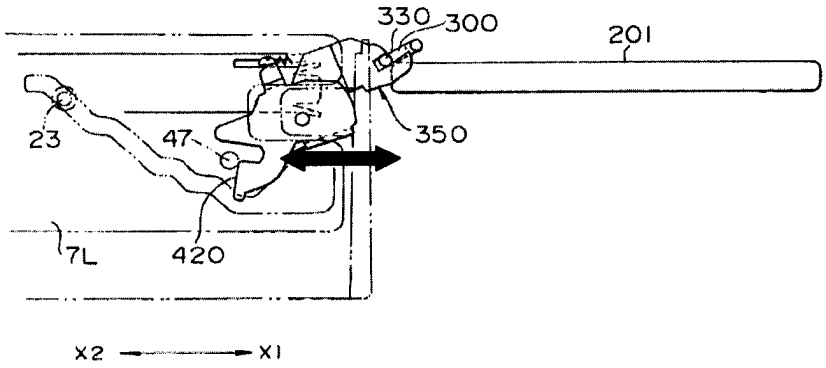
FIG. 36

FIG. 2



Moreover, because the design of Uehara's opening/closing mechanism requires that the operating pin 47 move horizontally with the left elevator plate 7L to engage and move the cam portion 420 of the door controlling member 350, the vertical movement of the carrier 3 cannot be used to apply pressure to the cam portion 420 such that the door controlling member 350 would be effectively operated. (*See* FIG. 26; col. 10, lines 50-65).

FIG. 26



More specifically, in order for the carrier 3 to move to the evacuation position, the left elevator plate 7L moves to the right. This causes the pin 23 of the carrier 3 to rise upwardly, thus moving the carrier toward the evacuation position. During this same motion, the pin 47 attached to the left elevator plate 7L moves toward to right to engage the cam portion 420 to open the door 217.

Consequently, if Uehara is modified such that pressure is applied by the carrier 3 moving from the normal operation area to the evacuation position to the cam portion 420, the cam portion would only realize pressure in the vertical direction. Accordingly, the cam portion would not move horizontally such the door controlling member 350 would operate to open the door 217.

As a result, this would render Uehara unsatisfactory for its intended use. Therefore, the reason to combine provided by the Examiner finds no logical support as the disclosure of Uehara teaches away from making this combination. (MPEP § 2143.01 (V) *Citing* In re Gordon, 733 F.2d 900 (Fed. Cir. 1994) (If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no reason to make the proposed modification.")

Thus, Applicant respectfully submits that claim 1 is allowable for at least this reason.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claims 2-3 and 6-7 under § 103(a) as being unpatentable over Uehara in view of Kawakami. Applicant traverses this rejection for the following reason.

Applicant submits that because Kawakami fails to compensate for the above noted deficiencies of Uehara as discussed above with regard to claim 1, claims 2-3 and 6-7 are allowable at least because of their dependency from claim 1.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claims 9 and 10 under § 103(a) as being unpatentable over Uehara in view of Nonaka et al. (JP 05-290476). Applicant traverses this rejection for the following reason.

Applicant submits that because Nonaka, either taken alone or in combination with Uehara, fails to compensate for the above noted deficiencies of Uehara and Kawakami as discussed

above with regard to claim 1, claims 9 and 10 are allowable at least because of their dependency from claim 1.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claim 11 under § 103(a) as being unpatentable over Uehara in view of Dang (US 5,570,337). Applicant traverses this rejection for the following reason.

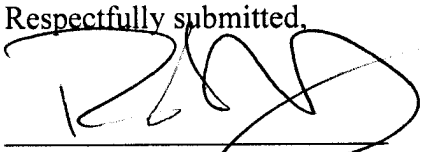
Applicant submits that because Dang, either taken alone or in combination with Uehara, fails to compensate for the above noted deficiencies of Uehara and Kawakami as discussed above with regard to claim 1, claim 11 is allowable at least because of its dependency from claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: June 7, 2007